

**REMARKS**

Claims 1–11, 13–18, 20–37, 39–43, 45–60, 62–65, 67–81, 83–85, and 87–103 are pending in the Application, of which Claims 1, 27, 52, 53, 74, 94, 95, 97, and 98 are independent. Claims 95–103 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1–11, 13–18, 20–37, 39–43, 45–52, 53–60, 62–65, 68–81, 83–85, and 87–103 rejected under 35 U.S.C. §103(a). Applicants note that Claim 52 was apparently not addressed in the Office Action and requires review with similar Claims 1, 27, and 97. The rejections are respectfully traversed and reconsideration is requested.

**Rejection Under 35 U.S.C. §112, second paragraph**

Claims 95–103 stand rejected under 35 U.S.C. §112, second paragraph as being said to be indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Specifically, the Office states that Applicants' claim element "*the dialed number* (emphasis added)," as recited in Claim 95, has insufficient antecedent basis. Applicants are amending Claim 95, in the Claim Listing above, to recite, "*a dialed number*." As such, Applicants respectfully submit that, upon entrance of this Amendment, the above-cited claim element of Claim 95 properly states sufficient antecedent basis. Claims 96–103 depend from Claim 95, and, as such, Claim 95 now provides sufficient antecedent basis for these dependent claims. Thus, Applicants respectfully submit the rejection is overcome and request the rejection of Claims 95–103 under 35 U.S.C. §112, second paragraph be withdrawn.

**Rejections Under 35 U.S.C. §103(a)****Claims 1–11, 13–18, 21–37, 39–43, 46–51, 97, and 99–100**

Claims 1–11, 13–18, 21–37, 39–43, 46–51, 97, and 99–100 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garfinkel, U.S. Patent No. 6,330,317 (hereinafter "Garfinkel"), in view of Wexelblat, U.S. Patent Pub. No. 2005/0144279 (hereinafter "Wexelblat"). Applicants respectfully disagree.

Garfinkel discloses a call blocking system that automatically blocks outgoing calls "taking into account factors such as preexisting customers which may be legally contacted."

Garfinkel, Abstract; col. 2, line 65 through col. 3, line 1). In other words, Garfinkel's override/allow list simply overrides or allows the customer company to contact any person on such list, without reference to any other criteria.

The Office acknowledges that Garfinkel fails to teach "*the list of exempted identifiers including a date of contact associated with the each exempted destination identifier, the date of contact corresponding to a business transaction or inquiry by a customer associated with the exempted destination identifiers; and, the control unit determining whether to allow communications connection depending on a duration that the particular exemption is valid from the date of contact,*" as recited in Applicants' Claim 1. The Office cites Wexelblat for what is lacking in Garfinkel.

Wexelblat discloses a web-based program for on-line communications that temporarily circumvents a user-specific, spam-filter setting in order to send bulk electronic communication (e.g., e-mail) to an electronic user's identification name (e.g., e-mail address) if that user's e-mail address is placed on a white-list. *See* Wexelblat Abstract and paras. [0002]--[0004]. Wexelblat's transactional white-listing system is specifically designed to guard against anticipated communications being accidentally marked or blocked as spam by communications filter (e.g., spam-filter). *See* Wexelblat, para. [0027] (emphasis added).

Wexelblat's system works by having a third-party service provider ("PSP") contact a communications service provider ("CSP") who is associated with an intended recipient. *Id.* The PSP informs the CSP of the need to add an expected sender to a white-list associated with the intended recipient to assure expected communications reach the recipient. The sender is added to the white-list using a "transactional identifier," which merely serves to identify the entry being added to the white list using, e.g., a randomly generated code or other data. *See* Wexelblat, para. [0061]. Wexelblat's system allows bulk communication to be sent to a recipient by adding the sender to a white list; the addition to the list is triggered by a direct or indirect action by the recipient indicating a desire to receive an e-mail from a user. *See* Wexelblat, para. [0058]. In other words, Wexelblat's white-list is such that, without the sender being placed on that list, the intended recipient would otherwise fail to receive the anticipated communication.

Furthermore, the specific portion of Wexelblat cited by the Office as being said to disclose "*a date of contact associated with each exempted destination identifier, the date of*

*contact corresponding to a business transaction or inquiry by a customer,”* in actuality merely describes a time stamp recalling the expiration date or a timeout duration of an e-mail address on the white-listing. *See* Wexelblat, para. [0009] (emphasis added). The expiration date is an end-trigger, from a third-party service provider, signifying the last time/date a bulk communication can be sent to that e-mail address. *Id.*

For example, recipient A is anticipating receiving a bulk e-mail from a sender B; in order to ensure recipient A receives that e-mail, the PSP communicates to the CSP the need to add sender B to a list of allowed e-mail addresses in relation to recipient A. The CSP will add recipient A to a white list using a transactional identifier and will associate the transactional identifier with a time stamp signifying an expiration date or timeout duration at which point sender B must be removed from the list. *See* Wexelblat, paras. [0060]–[0063] (emphasis added).

The time stamp referred to in Wexelblat has no association with any “*date of contact corresponding to a business transaction or inquiry by a customer,*” because the time stamps only signify the date of expiration or timeout duration associated with sender B’s removal from a white-list. Wexelblat’s expiration dates and timeout durations are described as expiring on a set date (“an expiration date...expires on December 26”), within a set time period (“a timeout duration...e.g., expires in two weeks”), or after a certain number of communications (“a specified threshold...e.g., expires after receiving set number of e-mails); none of which could be interpreted as a “*date of contact corresponding to a business transaction or inquiry by a customer,*” as recited in Applicants’ Claim 1.

If Wexelblat’s date is interpreted as the date of the out-of-band communication that corresponds to communications between the third-party service provider and the CSP, neither includes any communication with the end-user. Further, Wexelblat does not identify or track any “*date of contact corresponding to a business transaction or inquiry by a customer.*” Thus, because Wexelblat’s system does not identify or track any date of contact in reference to any communication between the third-party service provider and a user’s transaction or inquiry, Wexelblat further cannot define any type of “*duration that a particular exemption is valid from a date of contact*” with that end-user.

Therefore, Applicants respectfully submit that because Wexelblat does not disclose a “*date of contact corresponding to a business transaction or inquiry by a customer associated*

*with the exempted destination identifier...[and] ...determining whether to apply a particular exemption depending on a duration that the particular exemption is valid from the date of contact,”* as recited in Applicants’ Claim 1 (emphasis added), Wexelblat further fails to disclose all elements of Applicants’ invention of Claim 1.

Therefore, in reference to the above arguments, Applicants respectfully submit that Claim 1 is novel and non-obvious over Garfinkel, alone or in combination with Wexelblat. Independent Claims 27, 52, and 97 include similar elements presented above in reference to Claim 1, and, thus, those claims are submitted to be novel and non-obvious over the cited art for at least the same reasons. Claims 2–11, 13–18, 21–26, 28–37, 39–43, and 46–51, which depend from independent Claims 1 or 27, include the same elements as the independent claims from which they depend and are believed to be novel and non-obvious for at least the same reasons as presented above. As such, Applicants respectfully request withdrawal of the rejections of Claims 1–11, 13–18, 21–37, 39–43, 46–52 under 35 U.S.C. §103(a), and allowance of same.

Claims 53–60, 62–65, 68–81, 83–85, 88–94, 98, and 101–102

Claims 53–60, 62–65, 68–81, 83–85, 88–94, 98, and 101–102 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fergusson *et al.*, U.S. Patent Pub. No. 2003/0212566 (hereinafter “Fergusson”), in view of Garfinkel, and further in view of Wexelblat. Applicants respectfully disagree.

Applicants note that the Office failed to distinctly point to any portion in any of the cited references (Fergusson, Garfinkel, or Wexelblat) as being said to disclose “*at least one list of exempted destination identifiers including a date of contact associated with each exempted destination identifier, the date of contact corresponding to a business transaction or inquiry by a customer associated with the exempted destination identifier,*” as recited in Applicants’ Claim 53. Nevertheless, Applicants traverse the rejections below in regard to the proposed combination of references, in order to particularly differentiate Applicants’ invention of Claim 53.

The Office cites Fergusson as being said to disclose “*an analysis unit that designates whether the communications connection between an origin and one or more proposed destinations are prohibited or allowed based on one or more mediation rules and the lists of prohibited and exempted destination identifiers,*” as recited in Applicants’ Claim 53.

Fergusson discloses methods and systems for providing assistance with do-no-call compliance. Fergusson describes one method of allowing calls under certain conditions and looks at databases to “determine the length of time since the prospective client transacted business with the organization” (*see* paragraphs [0051]–[0052] and [0074]–[0076]). However, Fergusson’s approach requires thoroughly searching and mining databases followed by a comparison with other parameters.

The Office concedes that Fergusson fails to disclose “*at least one list of exempted destination identifiers including a date of contact associated with each exempted destination identifier, the date of contact corresponding to a business transaction or inquiry by a customer associated with the exempted destination identifier,*” but, as described above, the Office makes no mention of any of the references as disclosing this element; nor do any of the cited references, in combination or alone, disclose this element of Applicants’ Claim 53.

Applicants note that, in addition to the arguments presented below, the arguments presented above in regard to Claim 1 pertaining to Garfinkel and Wexelblat also apply here.

On page 9 of the instant Office Action, the Office states that “Garfinkel discloses a control system and method for the purpose of selectively prohibiting a communications connection between an origin and destination within a communications network comprising at least one list of prohibited destination identifiers and at least one list of exempted destination identifiers stored within databases.” However, Applicants respectfully note that no such claim element of “selectively prohibiting a communications connection” exists in any of Applicant’s independent Claims 53, 74, 94, or 98

For completeness, Applicants note that Garfinkel merely describes a determination being made as to whether a call should be blocked or routed normally based on whether a call originates from a handset 15–20 or from a telephone handset 15–16. Such a determination fails to teach or suggest any element of Applicants’ Claim 53 (*e.g.*, “*determining whether to apply a particular exemption...depending on a duration that the particular exemption is valid from the date of contact*”).

The Office next cites Wexelblat for allegedly disclosing, “*at least one list of exempted destination identifiers including a date of contact associated with each exempted destination identifier, the date of contact corresponding to a business transaction or inquiry by a customer*

*associated with the exempted destination identifier,”* as recited in Applicants’ Claim 53. Applicants first note that it is unclear, from a reading of page 9 of the Office Action, as to exactly what Wexelblat is being said to disclose.

However, Applicants submit that Wexelblat’s “date” is not associated with user’s transaction or inquiry but is merely an expiration date for communications with that user. As is argued above in reference to Claim 1, and such argument similarly applies to Claim 53, the time stamp referred to in Wexelblat has no association with any “*date of contact corresponding to a business transaction or inquiry by a customer,*” because the time stamps only signify the date of expiration or timeout duration associated with the sender’s removal from a white-list. See Wexelblat, paras. [0060]–[0063] (emphasis added). None of Wexelblat’s expiration dates or timeout durations would be interpreted by a person of ordinary skill in the art as a “*date of contact corresponding to a business transaction or inquiry by a customer,*” as recited in Applicants’ Claim 53.

As also argued above in reference to Claim 1, the only alternative interpretation of Wexelblat’s date, is referring to the date of the out-of-band communication that corresponds to communications between the third-party service provider and the CSP, neither of which include any communication with the end-user. Further, Wexelblat does not identify or track any “*date of contact corresponding to a business transaction or inquiry by a customer.*” Thus, because Wexelblat’s system does not identify or track any date of contact in reference to any communication between the third-party service provider and a user’s transaction or inquiry, Wexelblat further cannot define any type of “*duration that a particular exemption is valid from a date of contact*” with that end-user.

As such, Applicants respectfully submit that Wexelblat’s expiration date or timeout duration cannot possibly have any association to a “*date of contact corresponding to a business transaction or inquiry by a customer,*” as recited in Applicants’ Claim 53.

Thus, Applicants respectfully submit that in view of the above arguments, as well as the noted missing elements from the Office’s arguments in regard to Claim 53, no combination of Fergusson, Garfinkel, and Wexelblat can suggest Applicants’ Claim 53.

Therefore, in reference to the above arguments, Applicants respectfully submit that Claim 53 is novel and non-obvious over Fergusson, alone or in combination with Garfinkel and

Wexelblat. Independent Claims 74, 94, and 98 include similar elements presented above in reference to Claim 53, and, thus, those claims are submitted to be novel and non-obvious over the cited art for at least the same reasons. Claims 54–60, 62–65, 68–73, 75–81, 83–85, 88–93, and 101–102, which depend from independent Claims 53 or 74, and include the same elements as the independent claims from which they depend, are believed to be novel and non-obvious for at least the same reasons as presented above. As such, Applicants respectfully request withdrawal of the rejections of Claims 53–60, 62–65, 68–81, 83–85, 88–94, 98, and 101–102 under 35 U.S.C. §103(a), and allowance of same.

#### Claims 20 and 45

Claims 20 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garfinkel in view of Wexelblat, and further in view of Prince, U.S. Pat. Pub. No. 2004/0148506 (hereinafter “Prince”). Prince discloses a method and apparatus for a non-revealing do-not-contact lists system in which a do-not-contact list of one-way hashed consumer contact information is provided to a set of one or more entities. Claims 20 and 45 depend from Claims 1 and 27, respectively, and as such, include the same elements of the claims from which they depend. Because Prince fails to cure the deficiencies in Garfinkel, Wexelblat, and Prince, Applicants submit that Claims 20 and 45 are novel and non-obvious over the cited art for at least the same reasons as presented above. As such, Applicants respectfully request withdrawal of the rejections of Claims 20 and 45 under 35 U.S.C. §103(a), and acceptance of same.

#### Claims 67 and 87

Claims 67 and 87 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fergusson, in view of Garfinkel, further in view of Wexelblat, and further in view of Prince.

Claims 67 and 87 depend from Claims 53 and 74, respectively, and as such, include the same elements of the claims from which they depend. Because Prince fails to cure the deficiencies in Fergusson, Garfinkel, and Wexelblat, Applicants submit that Claims 67 and 87 are novel and non-obvious over the cited art for at least the same reasons as presented above. As such, Applicants respectfully request withdrawal of the rejections of Claims 67 and 87 under 35 U.S.C. §103(a), and acceptance of same.

Claims 95 and 96

Claims 95 and 96 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garfinkel, in view of Brockbank *et al.*, U.S. Patent Pub. No. 2004/0066926, and further in view of Fotta, U.S. Patent No. 6,130,937 (hereinafter “Fotta”). Applicants respectfully disagree.

The Office cites Garfinkel as being said to disclose, “*at the connection unit if the communications connection is allowed, establishing a second communications connection with the destination and bridging the origin communications connection to the destination communications connection to establish a communications connection between origin and destination,*” as recited in Applicants’ Claim 95.

Garfinkel, however, merely describes a control computer that determines whether or not a call is permitted or blocked. *See* Garfinkel, col. 5, lines 24–26. Upon this determination, Garfinkel’s system simply blocks the call if it is prohibited or routes the call if it is permitted. *See* Garfinkel, col. 5, lines 29–34. In other words, Garfinkel describes a single communications connection that is halted at a control computer in order to run a prohibited/allowed algorithm upon which a determination is made to either block the call or allow the call to continue to its destination. Garfinkel does not make mention of – or suggest – a system having two communications connections that are bridged together by a control unit after determining the call can be allowed.

For example, in reference to Garfinkel’s Fig. 2, and its corresponding description, Garfinkel’s system merely illustrates a block or complete call algorithm, which allows only two actions to be completed: (1) route the call normally (40) or (2) block the call and provide a message to the caller that the call has been blocked (39). The simple statement of routing an allowed call normally is clearly lacking the description, and even the capability, of providing two distinct communications connection where a first communications connections is from an origin to a control unit and a second communications connection is from the control unit to a destination. Applicants submit that Applicants’ Figure 5C, elements 532–538 clearly provides support for such patentably distinguishing features.

As such, Applicants respectfully submit that due to Garfinkel’s single communications connection between an origin and a destination, which simply passes through a control computer,



Garfinkel fails to disclose, and fails to need, the ability to bridge two separate and distinct communications connections together. Thus, Applicants submit that Garfinkel fails to suggest “*at an origin, establishing a communications connection...establishing a second communications connection with the destination and bridging the origin...and destination communications connection[s]*,” as recited in Applicants’ Claim 95, and, therefore, fails to teach or suggest all elements of Applicants’ Claim 95.

Next, the Office concedes that Garfinkel fails to disclose

*at the connection unit, interacting with a control unit to validate the dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication information; at the origin, entering the identification and authentication information; at the connection unit, interacting with the control unit to validate the identification and authentication information and, upon successful validation by the control unit, prompting for the destination telephone number; [and] at the control unit, verifying that the dialed area code of the destination telephone number is valid,*

as recited in Applicants’ Claim 95, and cites Brockbank and Fotta for Garfinkel’s failures. Applicants respectfully disagree.

Specifically, the Office cites Brockbank as being said to disclose “*at the connection unit, interacting with a control unit to validate a dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication,*” as recited in Applicants’ Claim 95, as currently amended. Brockbank describes a method for registering the identity of a telephone terminal in association with the identity of a computer terminal. See Brockbank, Abstract. Brockbank’s system does not interact with a control unit “*to validate a dialed number,*” because no number is dialed that would need to be validated. In Brockbank, in order for an agent to associate a telephone terminal with a computer terminal, the agent merely “activate[s] his computer terminal 38 which will autodial the directory number of the host computer 26.” Brockbank, para. [0044] (emphasis added).

For example, Brockbank describes a system that involves an agent to send a number, associated with the telephone terminal he wishes to associate with his computer terminal, to a host computer. See Brockbank, para. [0046]. Upon receipt of the directory number, the host computer 26 sends a message instructing the PBX 10 to make a call to the directory number provided by the agent. In other words, Brockbank’s agent provides a telephone number, via the

agent's computer terminal user interface, to a host computer. That host computer cause another portion of the system to send a telephone call to the provided number and await a response from the agent. If the agent responds to the call, then the association is made between the computer terminal and the telephone terminal. If the agent fails to respond to the call, then the call is cancelled.

At no point in Brockbank's terminal association system does any dialed phone number get validated. Moreover, Brockbank completely fails to suggest any type of validation in general. As such, Applicants submit that Brockbank fails to disclose all elements of Applicants' Claim 95.

Fotta is cited for the failures of Garfinkel and Brockbank. Fotta describes a system and process for automatic storage, enforcement, and override of consumer do-not-call requests and includes a control device for selectively blocking communication between a device and a destination. However, Fotta fails to cure the deficiencies of Garfinkel and Brockbank.

One of ordinary skill in the art would not be motivated to combine Garfinkel, Brockbank, and Fotta, as suggested by the Office, because the hypothetical invention would fail to teach or suggest all elements of Applicants' Claim 95. Therefore, in reference to the above arguments, Applicants respectfully submit that Claim 95 is novel and non-obvious over Garfinkel, alone or in combination with Brockbank and Fotta. Claim 96, which depends from independent Claim 95, and includes the same elements as the independent claim from which it depends, is believed to be novel and non-obvious for at least the same reasons as presented above. As such, Applicants respectfully request withdrawal of the rejections of Claims 95-96 under 35 U.S.C. §103(a), and allowance of same.

#### Claim 103

Claim 103 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garfinkel, in view of Brockbank, further in view of Fotta, and further in view of Wexelblat. Before addressing the substance of this rejection, Applicants respectfully note that the instant rejection fails to make mention of how Brockbank and Fotta disclose any portion of Applicants' Claim

103. Applicants assume, for purposes of this rejection, that Brockbank and Fotta were mistakenly listed, and traverse the rejection under this assumption.

Claim 103 depends from Claim 95, and as such, includes the same elements of the claim from which it depends. Because the Office's arguments regarding the cited combination of references, as argued above in combination or alone, fails to introduce any new arguments as to possible disclosure of Applicants' Claim 103, Applicants submit that Claim 103 is novel and non-obvious over the cited art for at least the same reasons as presented above. As such, Applicants respectfully request withdrawal of the rejection of Claim 103 under 35 U.S.C. §103(a), and acceptance of same.

**Supplemental Information Disclosure Statement**

A Supplemental Information Disclosure Statement (SIDS) is being filed concurrently herewith. Entry of the SIDS is respectfully requested.

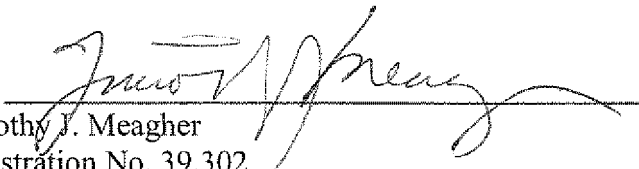
**CONCLUSION**

In view of the above amendments and remarks, it is believed that, upon entrance of this Amendment, all pending claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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